

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

EDWARD WEINER, *et ux.*

*

Plaintiffs

*

v.

*

Civil Action No. _____

*

SAMS'S WEST, INC., d/b/a SAM'S CLUB

*

Defendant

*

* * * * *

**NOTICE OF REMOVAL OF CIVIL ACTION
AND STATEMENT OF GROUNDS FOR REMOVAL**

To Plaintiff and their Attorney of Record:

Please take notice that Defendant Sam's West, Inc., d/b/a Sam's Club (hereinafter "Sam's") named in the civil action filed in the Circuit Court for Baltimore County, Maryland, Civil Case Number C-03-CV-21-000909 ("the State Case"), hereby notes the removal of this action to the United States District Court for the District of Maryland, Northern Division. In support thereof, Sam's states the following:

1. On or about April 6, 2021, Sam's was served with a Complaint and Writ of Summons, attached hereto and identified as Exhibits 1 and 2.
2. Plaintiffs' Complaint is based upon an allegations of negligence and premises liability for Plaintiff Edward Weiner's alleged personal injury at Sam's Club #6651 located in Baltimore County, Maryland.
3. Plaintiffs seek monetary damages in excess of Seventy-Five Thousand Dollars (\$75,000) for her negligence claim. *See* Complaint, Ex. 1.

4. Plaintiffs are residents and citizens of Baltimore County in the State of Maryland, according to the Complaint. *See* Complaint, Ex. 1.
5. Defendant Sam's West, Inc. is a corporation incorporated under the laws of the State of Delaware and maintains its principal place of business in the State of Arkansas.
6. The germane section of 28 U.S.C. §1332(a) provides:
 - (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between –
 - (1) citizens of different States;

See 28 U.S.C. §1332(a).
7. Removal to the United States District Court for the District of Maryland, Northern Division, is appropriate in this civil action based on diversity of citizenship pursuant to 28 U.S.C. §1332(a).
8. Diversity of citizenship is present in this civil action as Plaintiffs' Complaint seeks damages in excess of Seventy Five Thousand Dollars (\$75,000.00), and is between citizens of different States. *Id.*
9. Pursuant to 28 U.S.C. §1441(b)(2), no defendant is a citizen of the State of Maryland.
10. Sam's reserves its right to amend this Notice of Removal.
11. Sam's reserves all defenses, including, without limitation, the defense of lack of personal jurisdiction.
12. As required by 28 U.S.C. §1446(a) and Local Rule 103(5)(a), true and legible copies of all process, pleadings, and documents which have been served upon Sam's in the State Case that is being removed, as of this date, are being filed with this Notice of Removal.

WHEREFORE, Defendant Sam's West, Inc. d/b/a Sam's Club respectfully requests that this civil action be removed to the United States District Court for the District of Maryland, Northern Division based on diversity of citizenship pursuant to 28 U.S.C. 1332(a).

Respectfully Submitted,

MCNAMEE, HOSEA, JERNIGAN, KIM
GREENAN & LYNCH, P.A.

/s/ Jennifer M. Alexander

Jennifer M. Alexander, Esquire
Federal Bar No. 15222
888 Bestgate Road, Suite 402
Annapolis, MD 21401
Phone: 410-266-9909
Fax: 410-266-8425
jalexander@mhlawyers.com

/s/ Kelly S. Kylis

Kelly S. Kylis, Esquire
Federal Bar No.: 14126
888 Bestgate Road, Suite 402
Annapolis, MD 21401
Phone: 410-266-9909
Fax: 410-266-8425
kkylis@mhlawyers.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May 2021, I caused a true and correct copy of the foregoing Notice of Removal of Civil Action and Statement of Grounds for Removal to be served via first class mail, postage prepaid upon:

Paul D. Bekman, Esquire
Bekman, Marder & Adkins LLC
300 W. Pratt Street, Suite 450
Baltimore, Maryland 20201
Attorneys for Plaintiffs

/s/ Jennifer M. Alexander
Jennifer M. Alexander, Esquire